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LAW OFFICES
JOHN D. HEFFNER, PLLC
1750 K STREET, N.W.
SUITE 200
WASHINGTON, D.C. 20006
PH: (202) 296-3333
FAX: (202) 296-3939

April 22, 2010

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

VIA ELECTRONIC FILING

Re: STB Finance Docket No. 35141
U S Rail Corporation – Construction and Operation Exemption –
Brookhaven Rail Terminal

ENTERED
Office of Proceedings

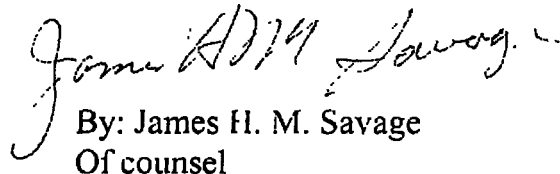
APR 22 2010

Part of
Public Record

Dear Ms. Brown,

Please accept the accompanying certification of service of Petitioner U S Rail Corporation's March 30, 2010 letter requesting the proceeding be immediately restored to the Board's active docket, and further requesting the Board issue a Scheduling Order providing for a final Decision being issued within 30 days after completion of the EA process.

Very truly yours,
John D. Heffner, PLLC


By: James H. M. Savage
Of counsel

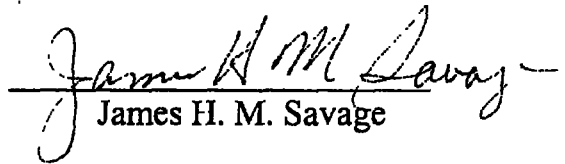
Attorneys for Petitioner
U S Rail Corporation

JHS/mhd
Att.

cc: Mark D. Cuthbertson (via electronic mail, w/att.)
Robert Ryback (via First Class mail, w/att.)
Thomas Stilling (via electronic mail, w/att.)

CERTIFICATION OF SERVICE

I, James H. M. Savage, an attorney-at-law of the District of Columbia, certify that I served March 30, 2010 by electronic mail a true copy of the within pleading upon counsel for the Town of Brookhaven and by first class mail upon the New York State Department of Transportation.


James H. M. Savage

Dated: April 22, 2010